IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 94 OF 2004

MR. ROSARIO XAVIER A.FERNANDES,CALANGUTE-GOA. ....Appellants

Versus

MR. MATIAS XAVIER FERNANDES,SALIGAO-GOA. ....Respondents

Shri Joseph Vaz, Advocate for the appellant.

Shri N. N. Sardessai, Advocate for the respondent.

Coram:- R. M. LODHA, J.

Date:- 17th August, 2005

P.C.

Heard Mr. Vaz, learned Counsel for the appellant and perused the Judgment of the IInd Addl. District Judge, North Goa, Panaji, as well as the Judgment passed by the Civil Judge,Sr. Division, Mapusa.

The Courts below, on appreciation of the evidence on record, held that a sum of Rs.90,000/- was payable by the defendant to the plaintiff and consequently passed the decree in the sum of Rs.90,000/- with interest at the rate of 6 % per annum from the date of filing of the suit. The consideration of the matter is concluded on facts.

No substantial question of law arises in the appeal. The second appeal is dismissed in limine.

R. M. LODHA, J.